IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Restoration Application No. 6874 of 2006
in
Writ Petition No. 1243 of 2005 (M/B)

Daya Kishan Kandpal
S/o Lae Bachhi Ram Kandpal
R/o Village Kande Kanyal/Sasola
P.O. Kanda
Tehsil Kanda, District Bageshwar ……. Petitioner

Versus

1. Executive Engineer, P.W.D. Bageshwar
   District Bageshwar.
2. District Magistrate, Bageshwar.
3. State of Uttaranchal through Secretary
   Public Works Department, Uttaranchal Shasan
   Dehradun. …….. Respondents

Sri Sharad Sharma, Advocate for the petitioner.
Mr. N.C.Gupta, Standing Counsel for the respondents.

Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

Sri Sahrad Sharma, the learned counsel for the petitioner.

Mr. N.C.Gupta, the learned Standing Counsel for the respondents.

2. On due consideration, CLMA No. 6874 of 2006 is allowed and Writ Petition No. 1243 of 2005 is restored to its original number.

3. As the learned counsel for the parties are prepared and willing to argue the matter finally, they are heard.

4. Petitioner Daya Kishan Kandpal has filed this petition for the following reliefs:

> "a. a writ order or direction in the nature of mandamus commanding and restraining the respondent no. 1 from constructing the road as per present map of P.W.D. Bageshwar.]
>
> b. a writ order or direction in the nature of mandamus commanding to the respondent no.1 to construct the road as per the proposal submitted by the villagers as well as in accordance to the direction by the District Magistrate, Bageshwar dated 05.10.2005 (Annexure-2 to this writ petition).

c. a suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of he present petition.

d. To award the cots of the petition to the petitioner against the respondents."

5. In substance, the petitioner is seeking realignment of the road proposed to be constructed between Kanda and Sunar Gaon.

6. What should be the alignment of a road is entirely for the concerned authority/experts to decide and the Courts have no role to play in such matters. The petition, therefore, is liable to be dismissed.

7. The petitioner, however, shall be at liberty to made a representation to the authorities concerned for the redressal of the grievance projected in the petition.

8. With the above observation, the writ petition is disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
14.06.2006 14.06.2006

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